

## **MINUTES**

### **MONTANA SENATE 62nd LEGISLATURE - REGULAR SESSION**

#### **COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION**

**Call to Order:** Chair Donald J. Steinbeisser, on March 8, 2011 at 3:00 PM, in Room 303 Capitol

#### **ROLL CALL**

**Members Present:**

Sen. Donald J. Steinbeisser, Chair (R)  
Sen. Taylor Brown, Vice Chair (R)  
Sen. Gary Branae (D)  
Sen. Bob Hawks (D)  
Sen. Rowlie Hutton (R)  
Sen. Cliff Larsen (D)  
Sen. Frederick (Eric) Moore (R)  
Sen. Terry Murphy (R)  
Sen. Sharon Stewart-Peregoy (D)  
Sen. Jonathan Windy Boy (D)

**Members Excused:** Sen. Rick Ripley (R)

**Members Absent:** None

**Staff Present:** Rinay Bender, Committee Secretary  
Sue O'Connell, Legislative Branch

**Audio Committees:** These minutes are in outline form only. They provide a list of participants and a record of official action taken by the committee. The link to the audio recording of the meeting is available on the Legislative Branch website.

**Committee Business Summary:**

Hearing & Date Posted: HB 309, 3/3/2011

Executive Action on SB 381

00:00:25 Sen. Brown  
00:01:06 Sen. Steinbeisser

00:01:10 **Motion/Vote:** Sen. Brown moved to **RECONSIDER THE MOTION** on **SB 381**.  
Motion carried unanimously by voice vote.

00:01:44 Sen. Larsen  
00:02:18 Sen. Steinbeisser

00:02:29 **Motion:** Sen. Brown moved that **SB 381 BE AMENDED**.

**Discussion:**

00:02:58 Sen. Windy Boy  
00:03:24 Sue O'Connell, Legislative Services Division (LSD)  
00:04:31 Sen. Windy Boy  
00:04:37 Ms. O'Connell  
00:04:51 Sen. Steinbeisser  
00:05:27 Sen. Larsen  
00:05:49 Sen. Steinbeisser

00:05:53 **Vote:** Motion carried 9-2 by roll call vote with Sen. Branae and Sen. Windy Boy  
voting no. Sen. Ripley voted by proxy.

00:07:02 **Motion:** Sen. Brown moved that **SB 381 DO PASS AS AMENDED**.

**Discussion:**

00:07:14 Sen. Windy Boy  
00:07:31 Sen. Brown  
00:08:27 Sen. Steinbeisser  
00:08:55 Sen. Murphy left the meeting.

00:10:06 **Vote:** Motion carried 8-3 by roll call vote with Sen. Branae, Sen. Larsen and  
Sen. Windy Boy voting no. Sen. Murphy and Sen. Ripley voted by proxy.

**HEARING ON HB 309**

**Opening Statement by Sponsor:**

00:12:07 Rep. Jeffery Welborn (R), HD 72, opened the hearing on HB 309, Clarify  
prohibition on recreational access to ditches.

**Proponents' Testimony:**

00:14:57 William Mercer, Montana Rural Family Irrigators (MRFI)  
00:20:40 Ed Grady, Former Representative  
00:23:32 John Youngberg, Montana Farm Bureau Federation (MFBF)

00:25:13 Sen. Ripley arrived at the meeting.  
 00:26:02 Ronda Wiggers, MRFI  
 00:29:17 Harris Wheat, Rancher  
 00:31:03 Rhonda Johnson, Rancher, Representing District 4 Farm Bureau  
 00:32:03 Bruce Wright, Vice President, MFBF  
 00:32:51 Lilian Ostendorf, Rancher  
 00:34:37 Peter Taylor, Busby, Rancher  
 00:35:48 Tom Ostendorf, Farmer  
 00:37:33 Shelby Demars, United Property Owners of Montana (UPOM)  
 00:40:39 Jay Bodner, Montana Stockgrowers Association (MSGA), Montana Wool Growers Association (MWGA)  
 00:42:06 Mike Murphy, Montana Water Resources Association (MWRA)  
 00:43:20 Tammy Johnson, MRFI  
 00:45:39 Tim Ravndal, Lewis and Clark Conservative Tea Party (LCCTP)

**Opponents' Testimony:**

00:47:16 Sen. Gallus, SD 37, Butte  
 00:48:34 Sen. Van Dyk, SD25, Billings  
 00:52:41 Rep. McClafferty, HD 75, Butte  
 00:53:37 Sen. Shockley, SD 45, Victor  
 00:58:12 Bob Lane, Attorney for Fish, Wildlife and Parks  
 01:02:21 Richard Lessner, Executive Director, Madison River Foundation

**EXHIBIT(ags52a01)**

01:04:46 John Rich, Fisherman  
 01:07:03 Michael Howell, Publisher, Bitterroot Star, Secretary, Bitterroot River Protection Agency  
 01:08:53 Robin Cunningham, Outfitter, Gallatin Gateway

**EXHIBIT(ags52a02)**

**EXHIBIT(ags52a03)**

01:11:50 Tom Burnell, Montana River Action  
 01:17:54 George Golie, Montana Wildlife Federation (MWF)

**EXHIBIT(ags52a04)**

01:20:26 Dan Short, Montana Trout Unlimited (MTU)  
 01:22:31 Mark Aagenes, Director, Montana Trout Unlimited (MTU)  
 01:23:10 Bob Gilbert, Walleyes Unlimited (WU)  
 01:25:13 Susan Reneau, on behalf of Richard Reneau  
 01:26:43 Jim Klug, Outfitter, Fly Fishing Trade Association  
 01:29:25 Greg Munther, Montana Chapter of Backcountry Hunters and Anglers  
 01:30:26 Ashley Mrkich  
 01:31:40 Lacie Tarkalson  
 01:33:07 Ashley Houchin  
 01:34:16 Sage Schoonen  
 01:35:07 Rich Hohn, Simms Fishing Outfitters  
 01:35:23 William Geer, Board of Directors, Helena Hunters and Anglers  
 01:35:40 Dan Vermillion, Sweetwater Fly Shop  
 01:36:08 Tony Schoonen, Montana Coalition for Stream Access  
 01:36:24 Raymond Gross

**EXHIBIT(ags52a05)**

01:37:05 Lorry Thomas

01:37:21 Trapper Badovanic  
01:37:36 Leroy Mehring, Skyline Sportsmen

**EXHIBIT(ags52a06)**

01:38:02 Cliff Gibbons, Executive Director, Fly Fishers of the Bitterroot  
01:38:15 Gary Peterson  
01:38:35 Sean O'Brien, Osprey Outfitters Fly Shop

**EXHIBIT(ags52a07)**

01:39:13 Bob Lay  
01:39:17 Fred Upchurch

**EXHIBIT(ags52a08)**

01:39:42 Mike Sedlock, Upper Missouri River Chapter, WU  
01:39:58 Jim Posewitz, Helena Hunters and Anglers

**EXHIBIT(ags52a09)**

01:40:17 Dale Burk, Ravalli County Fish and Wildlife  
01:40:44 Randy Newberg, Headwaters Sportsmen Association  
01:41:06 Ron Jones, Vice President, Ravalli County Fish and Wildlife Association  
01:41:21 Ali Bovington, Attorney General's Office  
01:41:52 Don McAfee, Rancher  
01:42:13 Tom Jenni, Outfitter  
01:42:21 John Sindland, Bighorn River Alliance  
01:42:48 Chris Straub, Fly Fishing Guide  
01:43:04 Justin Hartman  
01:43:13 Steve Morehouse  
01:44:05 J W Westman  
01:44:42 Casey Hickathorn, Outfitter  
01:44:54 Ross Prosperi, Montana Conservation Voters  
01:45:13 Don Bishop, Bud Lilly Federation of Fly Fishers

**EXHIBIT(ags52a10)**

01:45:42 Willis Curdy  
01:46:03 Paul Roos  
01:46:17 Julia Page  
01:46:36 Grant Snyder  
01:46:53 David Palmer, Fishing Guide

**EXHIBIT(ags52a11)**

01:47:24 Tim Aldrich, President, MWF  
01:47:35 Steve Luebeck, George Grant Chapter MTU  
01:47:45 Gary Chatriand, George Grant Chapter MTU

**EXHIBIT(ags52a12)**

01:48:15 David Delisi, President, Lewis and Clark Chapter MTU  
01:48:44 Dick Solum, Montana Bowhunters Association (MTBA)  
01:49:09 Robert Lienemann

**EXHIBIT(ags52a13)**

01:49:41 Bob Olson, MTU  
01:50:05 Al Luebeck, Vice President, Skyline Sportsmen Association  
01:50:38 Jerry Davis  
01:51:09 Sam Samson  
01:51:22 Mike Spenner, Broadwater Chapter MTU  
01:51:43 Kit Fischer, Hellgate Hunters and Anglers  
01:51:59 John Hudgens  
01:52:10 Dan Bailey

01:52:19 Brooks Jessen  
 01:52:43 Brian Neilsen, Vice President, Missouri River Fly Fishers  
 01:52:51 John Herzer, Black River Outfitter  
 01:53:08 David Van Tighem, Montana Sportsmen Association  
 01:53:31 Robert Eddins  
 01:53:48 Land Tawney, President, Hellgate Hunters and Anglers

**EXHIBIT(ags52a14)**

01:54:34 Lou Goosey  
 01:54:59 Lyle Vinson  
 01:55:09 Mike Chapman, Snowy Mountain MTU

**EXHIBIT(ags52a15)**

01:55:45 Don Lepinsky  
 01:56:10 Herb Wanke  
 01:56:36 Casey Perkins, Montana Audubon  
 01:56:55 Amy Canatta  
 01:57:05 John Bateman  
 01:57:20 Brianna Randall, Clark Fork Coalition  
 01:57:35 Mike Watson  
 01:57:48 John Borgreen, President, Russell Country Sportsmen  
 01:58:14 Rich Day  
 01:58:30 Kerry Fee, Board Member, Park County Environmental Council  
 01:58:51 Sharon Sweeney-Fee  
 01:59:12 Jim McDonald  
 01:59:25 David Goodhart  
 01:59:43 Dan Frasier  
 01:59:54 Travis Wortman  
 02:00:05 Joe Dilschneider  
 02:00:28 Jerry Kustich, Lewis and Clark MTU, Sweetgrass Rods  
 02:00:50 Tom Bugni, Skyline Sports  
 02:01:26 Curt McChesney, Guide, MTU  
 02:01:49 Dan Mayer, Ravalli County Fish and Wildlife Association  
 02:02:04 Gary Baron  
 02:02:30 Burt Loendorf  
 02:02:49 Vince Fischer  
 02:03:05 George Kelly, Fishing Guide  
 02:03:20 Dave Harlacher, Ravalli County Fish and Wildlife Association  
 02:03:37 Jim Jensen, Director, Montana Environmental Information Center (MEIC)  
 02:04:08 Bob Ream

**Informational Testimony:**

None

**Questions from Committee Members and Responses:**

02:05:05 Sen. Ripley  
 02:06:28 Sen. Shockley  
 02:06:44 Sen. Ripley  
 02:06:59 Sen. Shockley  
 02:07:51 Mr. Mercer

SENATE COMMITTEE ON AGRICULTURE, LIVESTOCK AND IRRIGATION

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02:12:08	Sen. Ripley
02:13:14	Mr. Lane, FWP
02:10:32	Sen. Ripley
02:11:03	Mr. Lane
02:14:13	Sen. Moore
02:15:51	Mr. Lane
02:18:02	Sen. Moore
02:18:44	Mr. Lane
02:19:39	Sen. Larsen
02:21:10	Rep. Welborn
02:21:54	Sen. Larsen
02:22:32	Rep. Welborn
02:22:47	Sen. Larsen
02:23:20	Sen. Windy Boy
02:24:08	Mr. Lane
02:27:35	Sen. Branae
02:28:20	Rep. Welborn
02:29:12	Sen. Branae
02:29:22	Rep. Welborn
02:29:28	Sen. Brown
02:31:02	Mr. Aagenes, MTU
02:31:34	Sen. Brown
02:32:28	Mr. Mercer
02:33:28	Mr. Brown
02:34:15	Mr. Mercer
02:36:02	Sen. Brown
02:36:59	Mr. Mercer
02:37:50	Sen. Hawks
02:38:43	Mr. Lane
02:40:57	Sen. Hawks
02:41:16	Mr. Lane
02:42:07	Sen. Ripley
02:43:14	Mr. Mercer
02:44:19	Sen. Shockley

**Closing by Sponsor:**

02:44:29	Rep. Welborn
02:47:23	Sen. Steinbeisser

**ADJOURNMENT**

02:47:49      Sen. Steinbeisser adjourned the meeting.

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Rinay Bender, Secretary

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**Additional Exhibits:**

**Exhibit 16 has several documents all relate to HB 309.**

**[EXHIBIT\(ags52a16\)](#)**

Additional Documents:

**EXHIBIT([ags52aad.pdf](#))**